

REMARKS

In response to the final Official Action of June 5, 2007, applicant respectfully requests reconsideration of the claim rejections.

Claim Rejections - 35 USC §102

Claims 1-5, 7, 8, 10-12, 14, 15, 22-29 and 32 are rejected under 35 USC §102(e) as anticipated in view of WO 01/31963, Hasan, et al (hereinafter Hasan). It is asserted with regard to claim 1 that Hasan discloses all of the elements of the claimed method.

Hasan relates to a mobile terminal handover from a 2G network to a 3G IP-based network. The handover is triggered not only by the availability of service by a 3G network, but also by a request for a service that requires 3G coverage (see Hasan, Abstract). Hasan introduces the concept of service triggers to determine when a 2G-to-3G handover is required. The service trigger determines the service requirement and launches an appropriate call, for example, a 3G session (see Hasan, page 6, lines 2-11). A subscriber may attempt to start a multimedia session that requires multiple bearers in a 3G network. When the subscriber enters an area of 3G coverage, the 3G service trigger launches pre-registration towards the 3G system for the multimedia session. When a handover is complete, a multimedia session can seize a bearer for video, providing the subscriber with a desired multimedia session (see Hasan, page 6, lines 12-27).

As set forth at page 7, lines 23-27 of the present application, an object of the present invention is to enable a content provider initiated delivery of a content, which content is delivered to a user of a mobile terminal over a communication network. Claim 1 specifies toward this objective that a type of radio access network required for delivering a content clip to a mobile terminal is determined based on an indication associated to the content clip. Thus, if the mobile terminal is currently attached to another radio access network, a handover is triggered and the content clip is delivered.

Hasan, in contrast, only discloses a handover that is triggered by a service request requiring a particular network, not by an indication associated to a content clip. If a handover required for the delivery of content is only triggered by a service request by a mobile terminal, a content provider initiated delivery of content that requires a particular radio access network to a mobile terminal that may access different radio access networks is not feasible since there is no means of insuring that a content clip will reach its destination.

Thus, the methodology in Hasan is different from that of the present invention as claimed and Hasan therefore does not anticipate claim 1.

Independent apparatus claim 22 and independent apparatus claim 32 are also not anticipated by Hasan since each claim includes the feature of a handover triggered by an indication associated to a content clip. These claims are therefore also not anticipated by Hasan.

Since claims 1, 22 and 32 are believed to be not anticipated by Hasan, it is respectfully submitted that claims 2-5, 7, 8, 10-12, 14 and 15, all of which ultimately depend from claim 1, are further not anticipated by Hasan.

Similarly, claims 23-29 are not anticipated by Hasan due to their ultimate dependency from independent apparatus claim 22.

Claim Rejections - 35 USC §103

At page 11, claims 6, 16-21 and 31 are rejected under 35 USC §103(a) as unpatentable over Hasan further in view of US patent application publication 2003/0022624, Sato. With respect to claim 17, the Office asserts that Hasan discloses the claimed arrangement except for failing to disclose a receiving component arranged to receive content clips from a content server, which content clips are to be delivered upon initiation of a content provider to a mobile terminal attached to the communication network via a specific type of radio access network. It is asserted that Sato makes up for this deficiency.

However, claim 17 specifically recites a determination component configured to determine a type of radio network required for delivering said content clip to said

mobile terminal based on an indication associated to said content clip. For similar reasons with regard to claim 1, Hasan fails to disclose such a feature.

Sato does not make up for this deficiency in Hasan. In particular, Sato is directed to a data distribution system which discloses a contents provider that supplies a transmitter with digital content. The contents provider comprises a contents database and a registered member database, which stores information on registered users, and a contents server. The contents server reads out music data from the contents database and transmits contents to the base station. In addition, in reply to an inquiry from the base station designating a user, the contents server notifies the base station of data showing whether the user is a registered member (see Sato, paragraphs 0098-0102).

With regard to claim 17, the Office asserts that Sato discloses a receiving component arranged to receive content clips from a contents server which content clips are to be delivered upon initiation of a contents provider to a mobile terminal attached to a communication network via a specific type of radio access network (see Sato, paragraphs 0098-0102). However, Sato does not disclose that there is an indication associated to delivered content clips that triggers a handover when required. As indicated above, Sato only discloses that a contents server notifies a base station of data showing whether the user is a registered member. This has no relation to an indication of a required handover though, as a non-registered user, the user would not be allowed to receive data after a handover either. In actuality, Sato does not deal with different radio access networks or handovers at all.

For all of these reasons, it is therefore respectfully submitted that independent claim 17 is not suggested by Hasan, further in view of Sato.

Furthermore, since claim 17 is believed to be distinguished over the cited art, it is respectfully submitted that claims 18-20, all of which ultimately depend from claim 17, are further distinguished over Hasan in view of Sato.

Claim 6 is also distinguished over Hasan in view of Sato due to its dependency from claim 1.

Similarly, claim 16 is believed to be distinguished over Hasan in view of Sato due to the fact that the claimed communication system comprises an arrangement of

at least one element according to claim 17 which, as indicated above, is believed not to be suggested by Hasan in view of Sato.

Claim 21 is an independent claim directed to a communication network comprising radio access networks of at least two different types and handover components configured to perform an intersystem handover of a mobile terminal accessing said communications network via a radio access network of a first type to a radio access network of a second type upon information received from an arrangement of at least one element connecting said communications network to a contents server which information indicates that an intersystem handover is required for delivery of a content clip initiated by a content provider. Although this claim differs from the other independent claims in that it does not include a specific reference to an indication associated to a content clip, the claim does require information upon which an intersystem handover is performed is specifically information indicating that an intersystem handover is required for a delivery of a content clip initiated by a content provider. Neither Hasan nor Sato suggest such information and therefore it is respectfully submitted that claim 21 is not suggested by Hasan in view of Sato.

Finally, claims 9, 13 and 30 are rejected under 35 USC §103(a) as unpatentable in view of Hasan, further in view of US patent application publication 2003/0114158, Soderbacka, et al. It is asserted that Hasan discloses the claimed invention except for wherein said type of radio access network to which said mobile terminal is currently connected is determined based on an available, stored information about the current connection of said mobile terminal. It is asserted that Soderbacka discloses wherein said type of radio access network to which said mobile terminal is currently connected is determined based on an available, stored information about the current connection of said mobile terminal. However, each of these claims depends from an independent claim which is believed to be distinguished over the cited art and, consequently, these claims are further believed to be distinguished over the cited art.

In view of the foregoing, applicant respectfully requests reconsideration of the final rejection of the claims of the present application.

The undersigned respectfully submits that no fee is due for filing this Request for Reconsideration. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfred A. Fressola', written over a horizontal line.

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